

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

Jeffrey L. Pursley, Director of) Application No. 911-029.05
the Nebraska Telecommunications)
Infrastructure and Public Safety)
Department of the Nebraska)
Public Service Commission,)
)
Complainant,) ORDER TO DISMISS
v.)
)
Sprint Spectrum d/b/a Sprint PCS)
)
Respondent.)
)
) Dated: October 16, 2007

BY THE COMMISSION:

O P I N I O N A N D F I N D I N G S

By Petition dated September 5, 2007, Jeffrey L. Pursley, Director of the Nebraska Telecommunications Infrastructure and Public Safety Department (NTIPS) (hereinafter "Complainant") of the Nebraska Public Service Commission (Commission) filed a Complaint against Sprint Spectrum d/b/a Sprint PCS (hereinafter "Respondent") alleging that Respondent failed to notify the Commission of testing, prior to activating wireless enhanced 911 service in relation to cell tower testing conducted in the following locations at the following times:

Lancaster County - March 2007, April 2007 and June 2007;
Cass County - June 2007
Douglas County - March 2007
York County - March 2007

The Complainant and Respondent have since agreed to be bound by the terms of a stipulation filed under this docket, including the payment by Respondent of an administrative fine and an administrative fee consistent with Neb. Rev. Stat. § 75-156 and § 86-459(5) in the amount of one thousand dollars (\$1,000.00) plus **one hundred dollars (\$100.00)** respectively.

Respondent also agreed that it will henceforth provide written notification to the Commission prior to any cell tower testing.

The Complainant and Respondent have jointly requested that the Commission enter an order in this docket dismissing Respondent and releasing Respondent from any further proceedings in relation to Application No. 911-029.05.

O R D E R

IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that the Stipulation in Application No. 911-029.05 is approved.

IT IS FURTHER ORDERED that the Complaint in Application No. 911-029.05 is hereby dismissed.

MADE AND ENTERED at Lincoln, Nebraska, this 16th day of October, 2007.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:

Chairman

ATTEST:

Deputy Director